

To: O'Toole, James[james.otoole@bipc.com]
Cc: 'Hyatt, Jr., William (william.hyatt@klgates.com)'[william.hyatt@klgates.com]; Garcia, Tara C[Tara.Garcia@klgates.com]; Lamparello, Dawn Monsen[Dawn.Lamparello@klgates.com]
From: Flanagan, Sarah
Sent: Thur 6/1/2017 12:49:34 PM
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Jim,

The status is that EPA is waiting for signatures on the AOC Amendment No. 2 from the CPG, after which we will forward to EPA management for final approval and execution.

The RM 10.9 AOC presents different issues. I would like to focus on signature of the AOC Amendment first, and then we can make a final decision about the practicality of amending the RM 10.9 AOC.

Regards,

-Sarah

Sarah P. Flanagan
Branch Chief, NJ Superfund Branch

Office of Regional Counsel
USEPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3136

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From: O'Toole, James [mailto:james.otoole@bipc.com]
Sent: Thursday, May 25, 2017 11:53 AM

To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Cc: 'Hyatt, Jr., William (william.hyatt@klgates.com)' <william.hyatt@klgates.com>; 'Dawn Mosden Lamparello (dawn.Lamparello@klgates.com)' <dawn.Lamparello@klgates.com>
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Sarah:

On behalf of the Essex County Improvement Authority (ECIA), I am following-up on the ECIA's pending request to sign-on to both the CPG's RI/FS AOC as well as the RM 10.9 AOC. As you can see from the email chain, we have been attempting to resolve this request for over a year. We understand that other more pressing issues have taken precedence, but my client is growing impatient with the lack of progress. I understand that the agency is in agreement with various PRP requests to amend the referenced AOCs. Can you assist in finalizing this process so that the ECIA can execute the amended AOCs and obtain contribution protection as indemnitor to Celanese for alleged CERCLA liabilities solely associated with Celanese's former the Doremus Avenue facility. We appreciate your efforts to timely resolve this issue.

Regards

Jim O'Toole

James O'Toole, Jr.

Shareholder/Energy & Environmental

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Buchanan Ingersoll & Rooney PC
KNOW GREATER PARTNERSHIP

From: O'Toole, James
Sent: Friday, August 26, 2016 2:02 PM
To: Flanagan, Sarah
Cc: Hyatt, Jr., William (william.hyatt@klgates.com); Dawn Mosden Lamparello (dawn.Lamparello@klgates.com)
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Thanks Sarah.

From: Flanagan, Sarah [<mailto:Flanagan.Sarah@epa.gov>]
Sent: Friday, August 26, 2016 1:25 PM
To: O'Toole, James
Cc: Hyatt, Jr., William (william.hyatt@klgates.com); Dawn Mosden Lamparello (dawn.Lamparello@klgates.com)
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Jim,

This issue did get put on the back burner but has not been forgotten. One way or the other, I hope we will be able to make a decision and complete our efforts by the end of September.

Regards.

-Sarah

Sarah P. Flanagan
Office of Regional Counsel, NJ Superfund Branch
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New York, NY 10007
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From: O'Toole, James [<mailto:james.otoole@bipc.com>]
Sent: Friday, August 26, 2016 9:58 AM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Cc: Hyatt, Jr., William (william.hyatt@klgates.com) <william.hyatt@klgates.com>; Dawn Mosden Lamparello (dawn.Lamparello@klgates.com) <dawn.Lamparello@klgates.com>
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Dear Sarah:

I represent the Essex County Improvement Authority ("ECIA") in the Lower Passaic matter. As detailed below in my email to you of April 19th, the ECIA joined the CPG in January 2015 in connection with assuming court ordered indemnitor responsibility for the former Celanese facility located at 354 Doremus Avenue, Newark N.J. Since January 2015, the ECIA has been attempting to sign-on to both the CPG's RI/FS AOC as well as the RM 10.9 AOC.

In April, I understand that the CPG provided EPA with a proposed amendment to the RI/FS that was acceptable to the agency. Could you update me on EPA's current efforts to amend the RI/FS AOC (as well as the RM 10.9 AOC), and when we could expect to complete the process and execute the amendments. Thanks in advance for your assistance.

Regards

Jim O'Toole

James O'Toole

Shareholder/Energy & Environmental

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Buchanan Ingersoll & Rooney PC
KNOW GREATER PARTNERSHIP

From: O'Toole, James
Sent: Tuesday, April 19, 2016 5:53 PM
To: flanagan.sarah@epa.gov
Cc: Hyatt, Jr., William (william.hyatt@klgates.com); Dawn Mosden Lamparello (dawn.Lamparello@klgates.com)
Subject: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Dear Ms. Flanagan:

I am writing to you on behalf of the Essex County Improvement Authority ("ECIA") in connection with its court ordered obligation to indemnify and defend Celanese Ltd. ("Celanese") for alleged environmental liabilities in the Lower Passaic River related to a former Celanese facility located at 354 Doremus Avenue, Newark N.J. ("Doremus Site"). While the ECIA continues to deny such liability, the ECIA has stepped into Celanese's shoes as a potentially responsible party for the Doremus Site. In that capacity, the ECIA has funded Celanese's Doremus Site obligations in connection with work performed by the Lower Passaic River Study Area's Cooperating Parties Group ("LPRSA CPG") under both the LPRSA RI/FS AOC and the RM 10.9 AOC. The ECIA joined the LPRSA CPG in January 2015, and assumed direct responsibility for the Doremus Site's corresponding obligations.

As you have discussed with LPRSA CPG Common Counsel over the past year, the ECIA has requested to be a signatory on those AOCs previously entered into among LPRSA CPG members and the USEPA. I understand from Dawn that the agency concurred with the ECIA's request. I realize that there have been other recent matters involving the LPRSA that have taken precedence. Can you please advise how we can expedite the process and execute the AOCs.

Regards

Jim O'Toole

James O'Toole

Shareholder/Energy & Environmental

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